

CAUSE NO. 22-CV-0675

IN THE DISTRICT COURT

VS.

GALVESTON COUNTY, TEXAS

56TH JUDICIAL DISTRICT

BANKSOUTH

Garnishee.

AMENDED ORDER FOR PREJUDGMENT WRIT OF GARNISHMENT

After considering the pleadings and other papers on file with the Court, the evidence presented, and the argument of counsel, the Court finds and concludes that Salt & Pepper is entitled to a writ of garnishment as requested, for the reason that:

- 1) Salt & Pepper has sued for a debt and made an affidavit stating that he is owed a debt by Defendants that is just, due, and unpaid;
- 2) Within Salt & Pepper knowledge, Defendants do not possess property in Texas subject to execution sufficient to satisfy the debt; and
- 3) The garnishment is not sought to injure Defendants or Garnishee BankSouth.

The Court further finds and concludes that issuance of the writ without prior notice to Defendants is justified in the circumstances for the reason that there is immediate danger that Defendants are about to dispose of assets such that they will not be able to satisfy any judgment

that may be rendered in Cause No. 22-CV-0675; *Salt & Pepper Restaurants, Inc. v. Tight Ends Sports Bar & Grill, LLC and Timothy Dungan*, now pending before this Court.

IT IS, THEREFORE, ORDERED that the clerk issue a writ of garnishment that commands BankSouth as Garnishee, to appear as required by law and answer on oath what, if anything, the Garnishee is indebted to Defendants and were when the writ was served, and what effects, if any, of Defendants the Garnishee possesses and did possess when this writ was served, and what other persons, if any, within the Garnishees' knowledge, are indebted to or have effects of Defendants.

IT IS FURTHER ORDERED that the maximum value of property or indebtedness that may be garnished is \$352,000. Further, the writ shall command BankSouth NOT to pay to Defendants on any account at BankSouth held under the names Tight Ends Sports Bar & Grill LLC (including account number XXX5972) Tim Dungan, or any variation thereof, pending further order of this Court, without retaining property of Defendants in an amount sufficient to satisfy and equal the maximum value of property or indebtedness that may be garnished as above ordered.

IT IS FURTHER ORDERED that this Order shall not be effective unless and until Salt& Pepper executes and files with the clerk a bond, or cash in lieu thereof, in conformity with the law in the amount of \$_____.

IT IS FURTHER ORDERED that Defendants, in order to replevy property garnished pursuant to the writ, shall file with the officer who levied the writ a bond, in conformity with the law, in the amount of \$_____, unless Defendants files bond in an amount otherwise provided by the law and the Texas Rules of Civil Procedure.

SIGNED on this _____ day of May, 2022.

PRESIDING JUDGE

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Associated Case Party: Salt & Pepper Restaurants, Inc.

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